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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 STEVEN D. McABOY, for himself and as
11 Personal Representative of the Estate of
12 JEAN McABOY, a single person,

13 Plaintiff,

14 v.

15 IMO INDUSTRIES, *et al.*,

16 Defendants.

17 Case No. C05-1241L

18 ORDER DENYING PLAINTIFF'S
19 MOTION FOR RECONSIDERATION

20 This matter comes before the Court on Plaintiff's "Motion for Reconsideration of this
21 Court's Order Denying Plaintiff's Motion for Remand and Attorneys Fees" (Dkt. # 31).
22 Plaintiff argues that this Court's decision is contrary to Murphy Brothers, Inc. v. Michetti Pipe
23 Stringing, Inc., 526 U.S. 344 (1999). The facts in Murphy involved a party arguing that the
24 removal time period is triggered *before* service, while this Court's order held that the removal
25 time period could be triggered a short time *after* service of process to an agent. Although this
26 Court is amenable to reconsidering a decision, the language presented from Murphy is devoid of
the relevant context and, when properly contextualized, provides feint support for plaintiff's
position. Moreover, this type of argument was addressed in the previous order. Order Denying
Plaintiff's Motion for Remand and Attorneys Fees at 3 n.2. Finally, while plaintiff's policy
arguments are not without some merit, plaintiff fails to argue why section 278 of the

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1 Restatement (Second) of Agency should selectively not apply in this context.

2 For the foregoing reasons, IT IS HEREBY ORDERED that plaintiff's motion for
3 reconsideration is DENIED.

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5 DATED this 14th day of November, 2005.

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8 Robert S. Lasnik
9 United States District Judge

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